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**PLEASE DELIVER TO:**

Attn: Thomas Shaw  
United States Patent and Trademark Office  
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**FACSIMILE NO.:** 571-273-0373

**FROM:** Beth A. Chapman

**DATE:** April 23, 2010

**OUR REF.:** 358535US35

**NUMBER OF PAGES INCLUDING COVER LETTER:** 4

Re: Application Serial No. 78/934,642

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Attorney Docket No.: 358535US-35-L

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**OFFICE OF THE SOLICITOR**

IN RE CARMINE'S BROADWAY FEAST INC., )

Applicant. )

Appln. Serial No. 78/934,642

**APPLICANT'S SUBSTITUTE MOTION TO EXTEND ITS TIME TO COMMENCE**  
**JUDICIAL REVIEW PURSUANT TO TRADEMARK RULE 2.145(e)**

Applicant's respectfully requests this Motion be substituted for its Motion filed earlier today, April 23, 2010.

Carmine's Broadway Feast Inc. ("Applicant"), pursuant to Trademark Rule 2.145(e), hereby requests the Solicitor extend Applicant's time to seek judicial review by ninety (90) days. TBMP §902.02 (Second Edition rev. 2004).

On February 25, 2010 the Trademark Trial and Appeal Board ("Board") issued an *ex parte* decision in Application Serial No. 78/934,642 affirming the Examining Attorney's refusal to register under Section 2(d) of the Trademark Act, 15 USC §1052(d), based on two cited registrations owned by different parties. Applicant's appeal of the Board decision is due April 26, 2010 pursuant to Trademark Rule 2.145(d)(1) and (2).

Applicant seeks time to review and consider with its counsel the various options for judicial review of the Board decision, particularly in view of the circumstances in this case. Applicant believes it has shown good cause for the requested extension of time to seek judicial review as required by Trademark Rule 2.145(e).

Applicant respectfully requests the Solicitor grant Applicant's Motion to Extend, allowing time to July 26, 2010.

If a fee for this Substitute Motion is required, the Office of the Solicitor is hereby authorized to charge the appropriate fee to Deposit Account No. 50-2014.

If the Solicitor's Office has questions, please contact the undersigned.

Respectfully submitted,

CARMINE'S BROADWAY FEAST INC.

By:



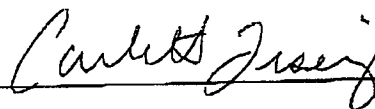
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Date: April 23, 2010  
RSB/BAC/cli {3741543\_1.DOC}

**CERTIFICATE OF TRANSMISSION**

I hereby certify that a true copy of the foregoing Applicant's Substitute Motion to Extend  
Its Time to Commence Judicial Review was filed this 23<sup>rd</sup> day of April, 2010, via facsimile, to:

United States Patent and Trademark Office  
Office of the Solicitor  
571-273-0373 (fax)

  
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